

10/700,729

MS306584.01/MSFTP530US

REMARKS

Claims 1-32 and 34-35 are currently pending in the subject application and are presently under consideration. Claim 2 has been cancelled, claims 1, 5-6, 13, 21, 25 and 29 have been amended herein to further emphasize novel aspects of the invention as claimed, and to cure minor informalities. In addition, as requested by the Examiner, claims 34-35 have been renumbered in view of the absence of claim 33 in the application as originally filed. A version of all pending claims is found at pages 2-6.

Favorable consideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection of Claim 25

Claim 25 stands objected to because of a minor informality. This objection should be withdrawn in view of the amendment made herein to claim 25 to cure the identified informality.

II. Rejection of Claims 1-32 and 34-35 Under 35 U.S.C. §101

Claims 1-32 and 34-35 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. This rejection should be withdrawn for at least the following reasons. Independent claims 1, 13 and 29 have been amended herein to further emphasize novel aspects of applicants' claimed invention. It is believed that these amendments overcome the Examiner's concerns and place the subject claims in better condition for allowance. Accordingly, reversal of this rejection is requested with respect to independent claims 1, 13 and 29 (and associated dependent claims).

III. Rejection of Claims 1-32 and 34-35 Under 35 U.S.C. §102(e)

Claims 1-32 and 34-35 stand rejected under 35 U.S.C. §102(e) as being anticipated by Golds *et al.* (US Patent Publication Number 2001/0020245 A1). Withdrawal of this rejection is respectfully requested for at least the following reasons. Golds *et al.* does not disclose or suggest each and every limitation set forth in the subject claims.

10/700,729

MS306584.01/MSFTP530US

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim*. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaa Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The *identical invention must be shown in as complete detail as is contained in the ... claim*. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicants' claimed invention relates to legacy filter support in a new managed file system filter model, and in particular to systems and methods that facilitate ordering of file systems and file system filters. Independent claims 1, 13 and 29, as amended, recite a similar claim element, namely: *an altitude that is an integer value*. *Golds et al.* does not disclose this particular novel aspect of the invention as claimed.

Golds et al. discloses a system and method for ordering software modules in a guaranteed order for execution wherein unique ordering values are statically assigned to software modules. The unique ordering values so assigned by the cited document are floating point values of the form "0.ABB". (*See*, page 4, paragraph [0035]). In contrast, the invention as claimed utilizes and assigns integer values to facilitate ordering of file systems and file system filters, rather than assigning floating point values to software modules. Thus, it is submitted that applicants' claimed invention and the cited document are clearly distinguishable. Accordingly, withdrawal of the rejection with regard to independent claims 1, 13 and 29 (and claims that depend there from) is respectfully requested.

10/700,729

MS306584.01/MSFTP530US

CONCLUSION

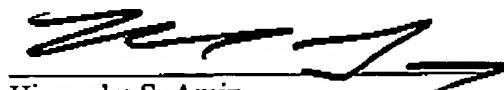
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin
Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731